
Public Notice

Applicant:

Town of Henrietta

Date:

Published: October 11, 2002

~~Expires: November 9, 2002~~**U.S. Army Corps
of Engineers****In Reply Refer To:****Buffalo District CELRB-TD-R RE: 2002-00819(0) Section: NY 404**

Application for Permit under Authority of
Section 404 of the Clean Water Act (33 U.S.C. 1344).

The Town of Henrietta, 475 Calkins Road, Henrietta, Monroe County, New York, proposes to construct an approximately 125 acre-foot detention/flood control area in partnership with Walter Cavatassi, a private developer. The project site is located on Town of Henrietta lands east of Sherman School and on land currently owned by Mr. Cavatassi known as the Wintergarden Subdivision, Section 1. The proposed detention area would attenuate flows of the East Branch Tributary to Red Creek and its South Stem.

The project consists of the following:

- a. Two low level earthen berms would be constructed adjacent to the East Branch Tributary to Red Creek (Ont. No. 117-14-4-1) and its South Stem (Ont. No. 117-14-4) in order to create a stormwater/flood retention area. The proposed project will result in the diversion of upstream watershed flow for both of these waterways into the detention area. An outlet back into the East Branch Tributary will be constructed at the northernmost edge of the bermed area. This outlet will carry normal base flows from the two waterways but will provide downstream flood attenuation during and after high water events.
- b. The construction of the berm will include the filling of approximately 60 lineal feet of the east branch tributary and approximately 140 lineal feet of the south stem tributary. Approximately 810 lineal feet of the east branch tributary and approximately 950 lineal feet of the south stem tributary will be rerouted into the detention area.
- c. The interior of the detention area will be excavated up to three feet to provide adequate flood storage capacity. This area will be seeded with flood tolerant grasses such as switchgrass (*Panicum virgatum*) and riverbank wild rye (*Elymus riparia*).
- d. The existing stream channels, outside of the areas filled for redirecting of flows, would remain open and continue to receive runoff from the surrounding properties. However, the existing channels would no longer receive flow from the upstream watershed.

The proposed work area is currently mowed lawn maintained for passive

recreation by the Henrietta Town Park system. The two stream channels have both been previously modified within the proposed work area and are currently narrow, intermittent swales with grass/silt substrate. Aquatics found in the stream channels included fishfly larvae (Corydalidae), sowbugs (Isopoda), scuds (Amphipoda), and aquatic snails (Gastropoda). No fish were observed in the stream channels during sampling. The applicant anticipates that the created stream channels within the detention area will naturally reestablish the current habitat types and biota.

The applicant's stated purpose for the proposed work is to provide long term flood attenuation for the local and downstream areas.

Location and details of the above described work are shown on the attached maps and drawings.

Questions pertaining to the work described in this notice should be directed to Steven V. Metivier, who can be contacted by calling (716) 879-4314, or by e-mail at: steven.v.metivier@usace.army.mil

The following authorization(s) may be required for this project:

Water Quality Certification (or waiver thereof) from the New York State Department of Environmental Conservation.

There are no registered historic properties or properties listed as being eligible for inclusion in the National Register of Historic Places that will be affected by this project.

In addition, available evidence indicates that the proposed work will not affect a species proposed or designated by the U.S. Department of the Interior as threatened or endangered, nor will it affect the critical habitat of any such species.

This notice is promulgated in accordance with Title 33, Code of Federal Regulations, parts 320-330. Any interested party desiring to comment on the work described herein may do so by submitting their comments, in writing, so that they are received no later than 4:30 pm on the expiration date of this notice.

Comments should be sent to the U. S. Army Corps of Engineers, 1776 Niagara Street, Buffalo, New York 14207-3199, and should be marked to the attention of Steven V. Metivier, or by e-mail at: steven.v.metivier@usace.army.mil. A lack of response will be interpreted as meaning that there is no objection to the work as proposed.

Comments submitted in response to this notice will be fully considered during the public interest review for this permit application. All written comments will be made a part of the administrative record which is available to the public under the Freedom of Information Act. The Administrative Record, or portions thereof may also be posted on a Corps of Engineers internet web site. Due to resource limitations, this office will normally not acknowledge the receipt of comments or respond to individual letters of comment.

Any individual may request a public hearing by submitting their written request, stating the specific reasons for holding a hearing, in the same manner and time period as other comments.

Public hearings for the purposes of the Corps permit program will be held when the District Commander determines he can obtain additional information, not available in written comments, that will aid him in the decision making process for this application. A Corps hearing is not a source of information for the general public, nor a forum for the resolution of issues or conflicting points of view (witnesses are not sworn and cross examination is prohibited). Hearings will not be held to obtain information on issues unrelated to the work requiring a permit, such as property ownership, neighbor disputes, or the behavior or actions of the public or applicant on upland property not regulated by the Department of the Army. Information obtained from a public hearing is given no greater weight than that obtained from written comments. Therefore, you should not fail to make timely written comments because a hearing might be held.

The decision to approve or deny this permit request will be based on an evaluation of the probable impact, including

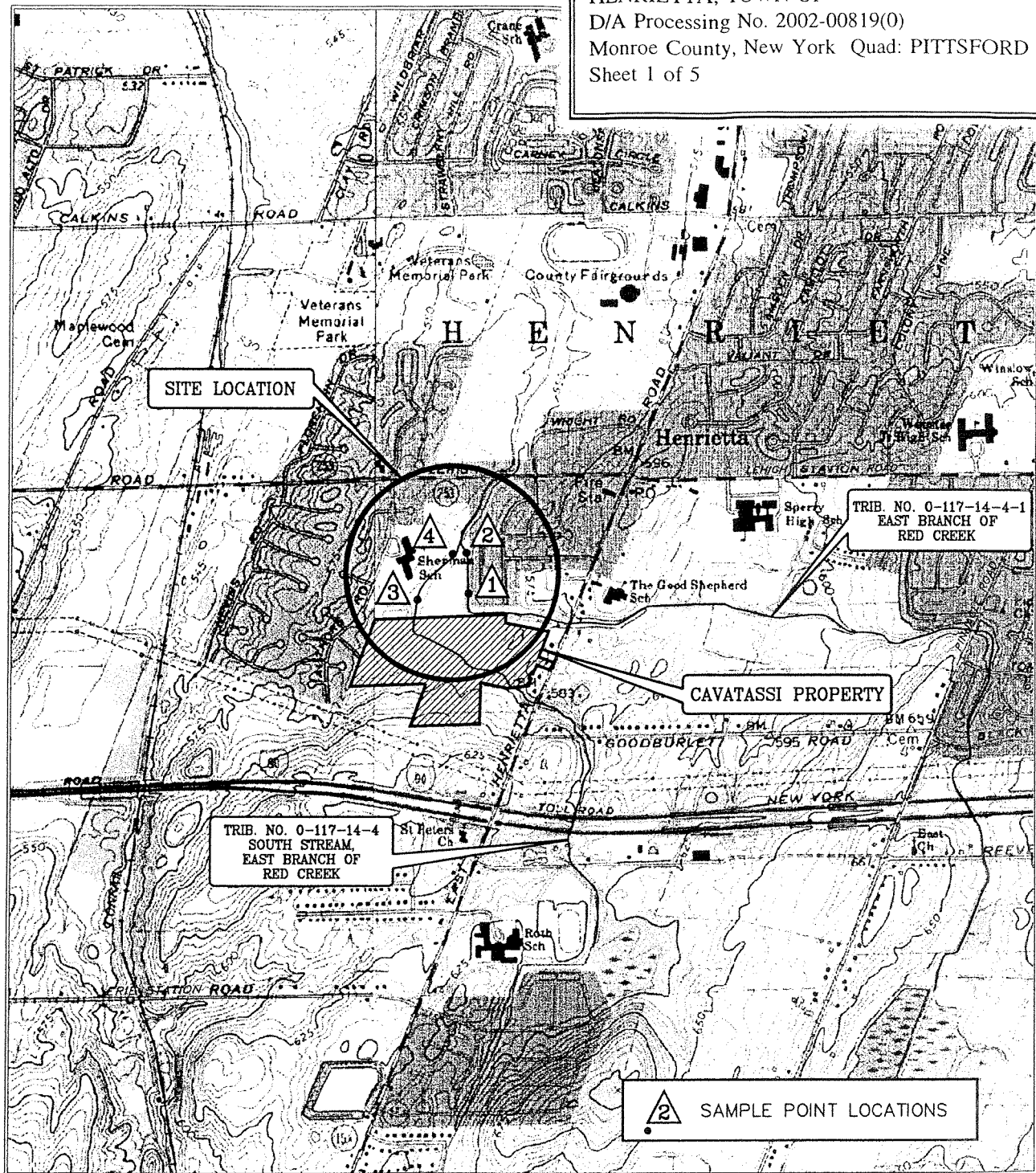


cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among these are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, state and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Paul G. Leuchner
Chief, Regulatory Branch

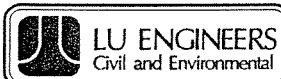
NOTICE TO POSTMASTER: It is requested that this notice be posted continuously and conspicuously for 30 days from the date of issuance.



SCALE: 1" = 2000'

FIGURE 1. SITE LOCATION MAP

SAMPLE POINT LOCATIONS
RED CREEK FLOOD PLAIN PROTECTION PROJECT



2230 PENFIELD ROAD
PENFIELD, NEW YORK 14526
TEL: (716) 377-1450
FAX: (716) 377-1266

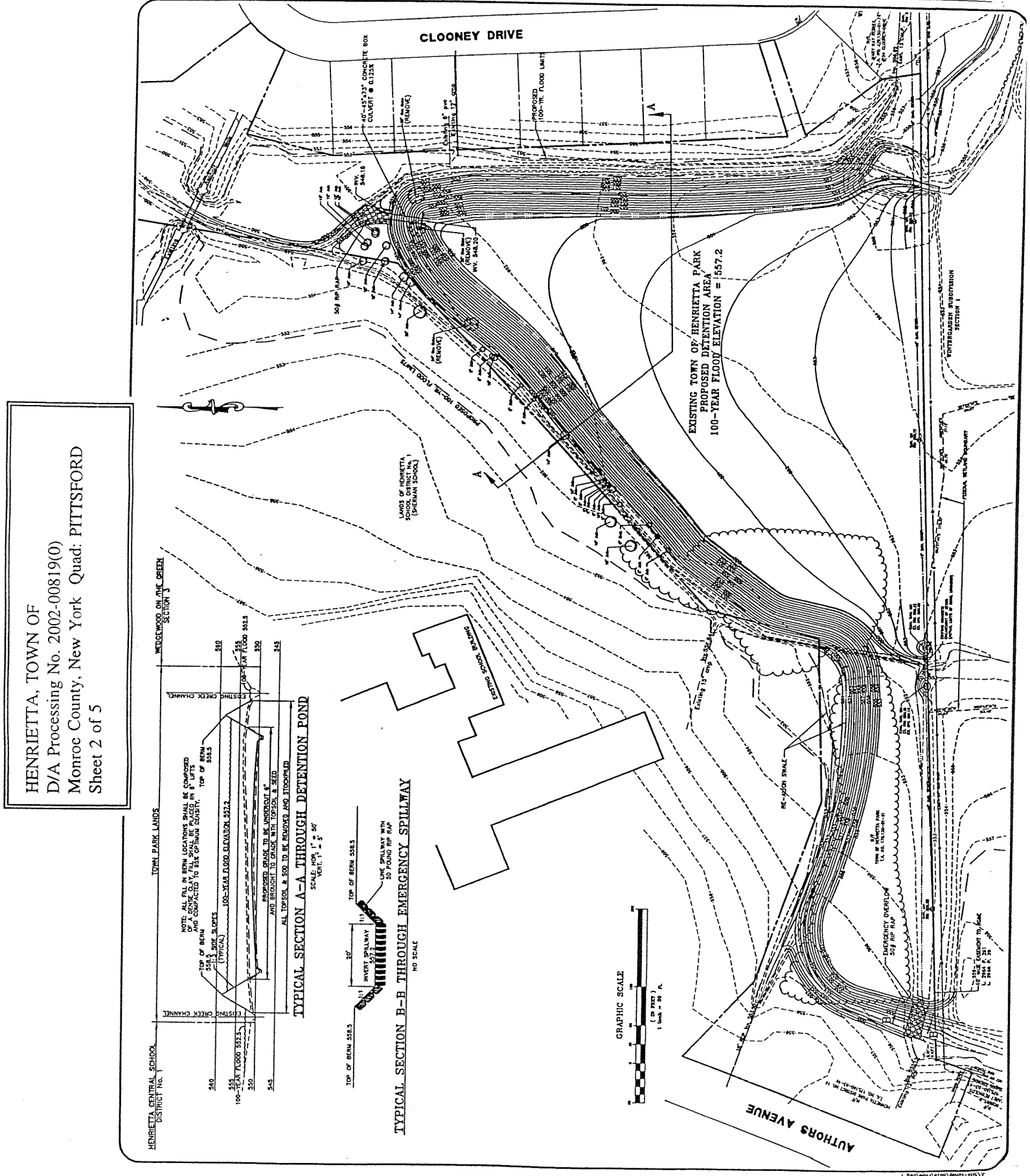
DATE: JANUARY 2002

SCALE: 1:24,000

DRAWN BY: DLS

MAP SOURCE: USGS - PITTSFORD, NY
AND WEST HENRIETTA, NY,
7.5 MINUTE SERIES (TOPOGRAPHIC)
1971 - PHOTOREVISED 1978

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CLOONEY DRIVE

Figure 3. Culvert Outlet Detail

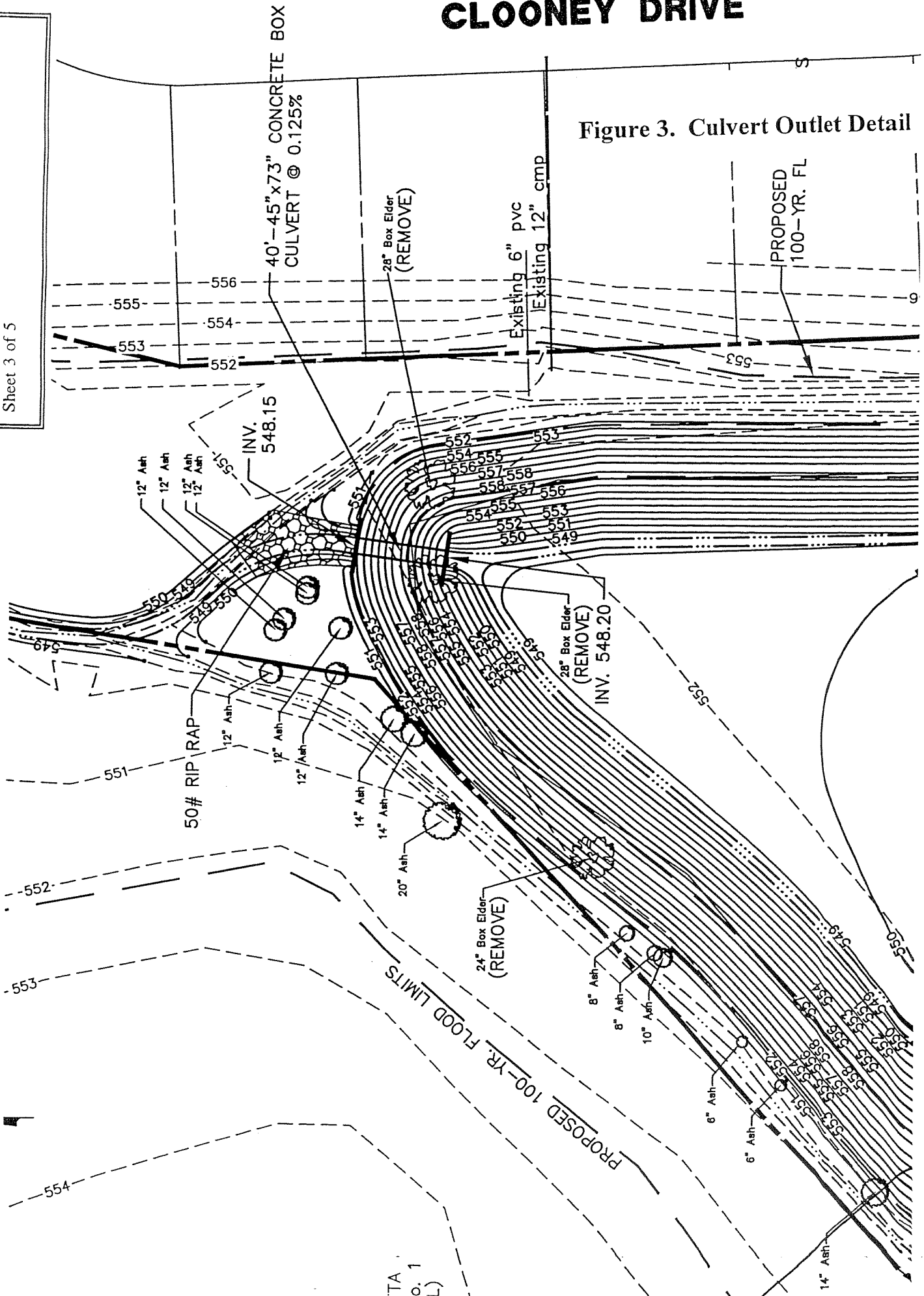
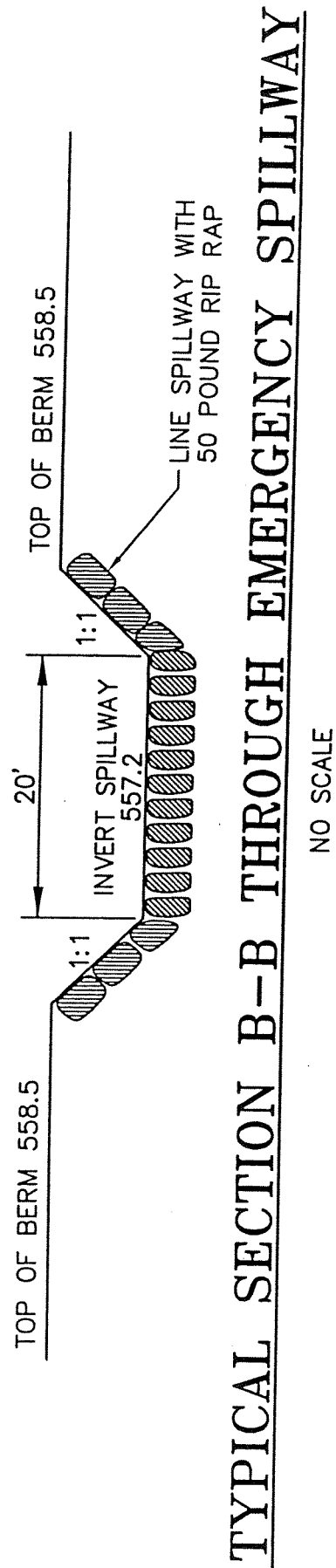
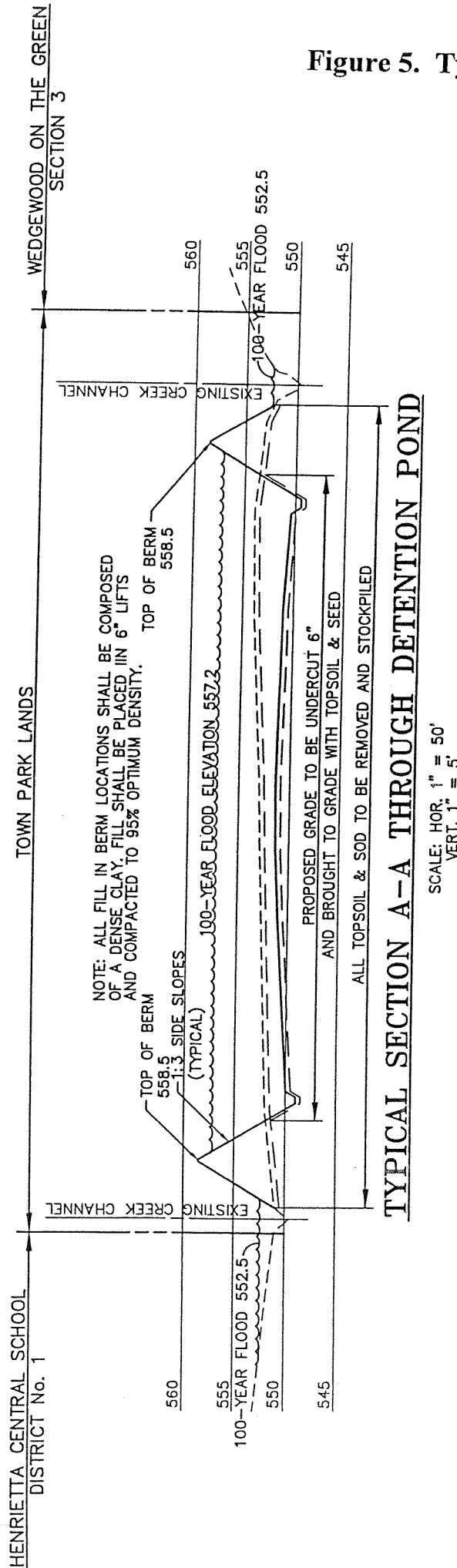


Figure 4. Emergency Spillway Detail



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Figure 5. Typical Cross Section



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